

REMARKS

In the September 14, 2007 Office Action, the Examiner rejected claims 1-22 and 25-32 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0111360 to Albanese, rejected claims 1 and 31 under §102(e) as being anticipated by U.S. Patent Application Publication Number 2004/0002348 to Fraccaroli, and rejected claims 23-24 under 35 U.S.C. §103(a) as being unpatentable over Albanese. Applicants respectfully traverse the Examiner's rejections.

In the Office Action, the Examiner addresses Applicants' prior argument that Albanese does not disclose any calculation of a combined match value by stating that "it is inherent that the system [of Albanese] takes an affinity value as well as a scaled distance into account when determining a match." O.A., at p. 9. While the Examiner may be correct that Albanese takes both an affinity value and a scaled distance into account, this does not mean that Albanese teaches or suggests the calculation of the claimed combined match value. In fact, Albanese specifically teaches the use of two separate comparisons, an affinity comparison and a "geographic comparison." Albanese describes the geographic comparison at paragraph [0080] as follows:

In other words, for geographic comparisons, there is no need to compare profiles that have been set for close range comparison only, if the person hasn't entered another cell area or moved, since the comparisons performed on entry to an area have already taken place.

Similarly, at paragraph [0076]. Albanese states as follows:

As users of communications devices 200 and 204 move about, regardless of their current location in a store, their profiles can also be previously or currently matched in order to inform users when they are near each other or if profiles are set for non-geographic priority, then to inform them of a match regardless of their location.

Thus, Albanese expressly teaches that the matching of profiles, *i.e.*, affinity matching, is performed at a different time than a geographic comparison. Such comparisons at different

times cannot possibly include the calculation of a combined match value. Further, in Albanese, an affinity match is made by the system regardless of the geographic locations of the users', but the users' are not informed of the match until any geographical limitation set by the user is satisfied. In contrast, in the presently claimed invention, the users' geographic locations are factors used in calculating the combined match value. Thus, the claimed system and method can generate a match between the first user and a second user who are geographically close to one another despite them having a relatively low affinity correlation and also generate a match between the first user and a third user who have a high affinity correlation match despite being geographically distant from one another, all without the users having to change any of their settings. See paragraph [0054] of the present application. Albanese, on the other hand, would require a user to change their geographic settings, *i.e.*, "close range comparison" or "non-geographic priority," and their affinity settings achieve those same two matches.

With respect to the rejections based upon Fraccaroli, claim 1 of the present invention recites "means for calculating an affinity value; means for calculating a scaled distance; [and] means for calculating a combined match value as a function of both said affinity value and said scaled distance." Claim 31 recites the step of "calculating a combined match value as a function of both said affinity value and said scaled distance." Nothing in Fraccaroli, teaches or suggests calculating the claimed combined match value. By calculating such combined match values, the present system is able to identify as a match both a geographically close person having only a moderate affinity correlation and a geographically distant person having high affinity correlation. Fraccaroli appears to teach away from such a system. Specifically, in one embodiment, Fraccaroli teaches a system that looks for a match based upon a specific affinity threshold within a specific distance of the user. If the no matches are found, the Fraccaroli system then expands the region of search still using the same affinity threshold.

(See Fraccaroli paragraph [0051].) In another embodiment, Fraccaroli appears to set distinct locations and then each time a user enters that location, the system searches for matches within that location. (See Fraccaroli paragraph [0055].) While Fraccaroli permits the user to set the location size and time windows (see paragraph [0054]), it does not disclose or suggest that the system calculates a combined match value.

For at least the foregoing reasons, Applicants respectfully submit that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

As noted above, Applicants respectfully request a one-month extension of time with respect to the filing of this response and have paid for such extension of time through the USPTO electronic filing system. If any other fees are due in connection with this application, including those for the new claims and any necessary extension of time, such fees may be charged to PTO Deposit Account 50-2837.

Respectfully submitted,

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